

SAS:gtw 03/17/04 262712  
PATENT

Attorney Reference Number 4239-61854  
Application Number 10/031,158

### Remarks

Prior to Examination of the present application, please enter the first Preliminary Amendment, submitted on January 11, 2002 and the Third Preliminary Amendment, submitted on April 17, 2002.

### **Prior Preliminary Amendments**

It is the Applicants' understanding from a telephone conference with Examiner Rawlings that no preliminary amendments have been entered in the present application. Submitted herewith are copies of the first preliminary amendment, submitted on January 11, 2002, the Second Preliminary amendment, submitted on April 10, 2002, and a Third Preliminary Amendment, submitted on April 17, 2002. Also submitted herewith are copies of three return postcards documenting receipt by the U.S. Patent and Trademark Office of these amendments. Applicants respectfully request entry of the first Preliminary Amendment, submitted on January 11, 2002, and the Third Preliminary Amendment, submitted on April 17, 2002.

It is the Applicants' understanding that the Second Preliminary Amendment, submitted on April 10, 2002, will not be entered for matters of form. Specifically, the claim numbering in the marked-up copy of the claims that accompanied the Second Preliminary Amendment was incorrect. Thus, the Second Preliminary Amendment will be determined to be non-compliant, and will not be entered in the present application.

### **Fourth Preliminary Amendment**

The present Fourth Preliminary Amendment is submitted to replace the Second Preliminary Amendment, which was submitted to the U.S. Patent and Trademark Office on April 10, 2002. This Fourth Preliminary Amendment correctly numbers the claims, and makes the identical claim amendments as those submitted in the Second Preliminary amendment.

No new matter has been added by the claim amendments. Support for the amendments can be found throughout the specification, and specifically on the pages noted below:

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Claim	Amendment	Support in Specification
1	Substantially purified SEQ ID NO: 14 Variant Conservative substitution	Pg. 18, lines 26-32 Pg. 7, line 9 Pg. 17, line 35 Pg. 18, lines 14-25
2	Substantially purified SEQ ID NO: 14 Variant Conservative substitution	Pg. 18, lines 26-32 Pg. 7, line 9 Pg. 17, line 35 Pg. 18, lines 14-25
3	Substantially purified SEQ ID NO: 14 Variant Conservative substitution	Pg. 18, lines 26-32 Pg. 7, line 9 Pg. 17, line 35 Pg. 18, lines 14-25
4	Substantially purified SEQ ID NO: 14	Pg. 18, lines 26-32 Pg. 7, line 9
5	Substantially purified SEQ ID NO: 14	Pg. 18, lines 26-32 Pg. 7, line 9
6	Changed dependency to claim 1	Pg. 41 line 16-pg. 42, line 9
7	Canceled	
8	Canceled	
9	Canceled	
10	Substantially purified Changed dependency to claim 1	Pg. 18, lines 26-32 Claim 1 as originally filed
11	Canceled	
12	Canceled	
13	Canceled	
14	Canceled	
15	Substantially purified Amendment of form	Pg. 18, lines 26-32
16	Substantially purified Amendment of form SEQ ID NO: 14 Variant Conservative substitution	Pg. 18, lines 26-32  Pg. 7, line 9 Pg. 17, line 35 Pg. 18, lines 14-25
17	Substantially purified Amendment of form SEQ ID NO: 14 Variant Conservative substitution	Pg. 18, lines 26-32  Pg. 7, line 9 Pg. 17, line 35 Pg. 18, lines 14-25
18	Substantially purified SEQ ID NO: 14	Pg. 18, lines 26-32 Pg. 7, line 9
19	Substantially purified SEQ ID NO: 14	Pg. 18, lines 26-32 Pg. 7, line 9

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20	Specified that method is for eliciting immune response Expression vector Changed dependency to claim 1 Substantially purified Thereby eliciting an immune response	Pg. 28, line 1 to pg. 33, line 10  Pg. 20, line 30 - 32 Claim 1 as originally filed Pg. 18, lines 26-32 Amendment of form
21	Canceled	
22	Canceled	
23	Canceled	
24	Amendment of form	
25	Amendment of form	
26	At risk for developing	Specifying subject identity (pg. 28, lines 19-21)
27	Amendment of form Sensitized with antigen presenting cells pulsed with a polypeptide SEQ ID NO: 14 Variant Conservative substitution	Pg 31, lines 26-31  Pg. 7, line 9 Pg. 17, line 35 Pg. 18, lines 14-25
28	Amendment of form	
29	SEQ ID NO: 14 Variant Conservative substitution	Pg. 7, line 9 Pg. 17, line 35 Pg. 18, lines 14-25
30	Amendment of form Substantially purified	Pg. 18, lines 26-32
31	SEQ ID NO: 13 Degenerate version	Pg. 7, line 6 Pg. 20, line 6
32	Method of eliciting immune response Composition Changed dependency to claim 15	Pg. 28, line 1 - pg 33, line 10 Pg. 28, lines 19-21 Claim 15 as originally filed
33	Method of eliciting an immune response comprising administering a composition Changed dependency to claim 15	Pg. 28, line 1 - pg 33, line 10  Claim 15 as originally filed
34	Cytotoxic T lymphocytes	Pg. 16, lines 11-12
35	Cytotoxic T cells	Pg. 16, lines 11-12
36	In a subject  Detecting hybridization of a probe Sample Polypeptide of claim 1 Hybridization indicates cancer	Pg. 40, lines 28-30, describing samples taken from a subject Pg. 41, lines 1-4 Pg. 40, lines 28-30. Claim 1 as originally filed Pg. 41, lines 5-6
37	Original	
38	Original	
39	Original	
40	Amendment of form	
41	Hybridization is detected in a sample	Pg. 39, line 23 - pg. 41, line 14

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	comprising a cell of the subject	
42	Hybridization is detected in a sample comprising a cell of the subject	Pg. 39, line 23 – pg. 41, line 14
43	Polypeptide of claim 1	Claim 1 as originally filed
44	Protein comprising SEQ ID NO: 14 Nucleic acid of claim 10 Nucleic acid of claim 10 Operatively linked to a promoter	Pg. 7, line 9 Claim 10 as originally filed Claim 10 as originally filed Pg. 20, line 16-24

#### New claims

Claims 45-55 are added by this amendment. Support for these claims in the specification as filed may be found as follows:

Claim	Amendment	Support in Specification
45	Part of original claim 1, divided out	Claim 1 as originally filed
46	Part of original claim 10, divided out and substituting the sequence identifier, SEQ ID NO: 13	Claim 10 as originally filed, Pg. 7, line 6
47	Part of original claim 15, divided out	Claim 15 as originally filed
48	Derivation of cell from subject and returning cell as active immunization	Page 27, lines 24-34 and claims 36 and 39 as originally filed
49	Method of detecting cancer in a female	Pg. 39, line 23 – pg. 41, line 14
50	Method of detecting cancer in a subject	Pg. 39, line 23 – pg. 41, line 14
51	Method of detecting cancer in a male	Pg. 39, line 23 – pg. 41, line 14
52	Method of detecting cancer in a female	Pg. 39, line 23 – pg. 41, line 14
53	Detection in a lymph node cell	Pg. 40, lines 28-30.
54	Detection in a breast biopsy cell	Pg. 40, lines 28-30.

Entry of this amendment is respectfully requested.

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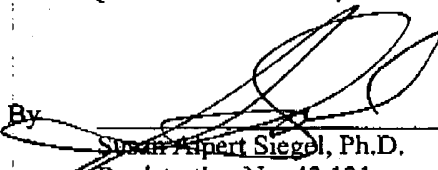
**Conclusion**

If any minor matters remain to be discussed prior to substantive examination, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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By



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CLIENT/MATTER NO. <u>4239-61854</u>		WDN/SAJ/DJE-KAM	
INVENTOR(S): <u>Pastan et al.</u>		ATTY/SEC	
APP. NO. <u>10/031,158</u>		FILING DATE <u>1.11.02</u>	
The following, due _____, mailed <u>4.17.02</u>			
by First Class Mail, was received in the U.S. PTO on the date stamped hereon:			
<input checked="" type="checkbox"/> Amendment <input checked="" type="checkbox"/> Marked Up Claims/Spec. <input type="checkbox"/> After Final Rejection Extension of Time/Extension Fee for _____ Months			
Notice to File Missing Parts - Date _____		Ltr to Draftsperson _____	
Notice to File Corrected App. Papers - Date _____		Notice-Allowability _____	
Comb. Dec./POA _____ Sht(s) Drawings _____		Late Fee _____ Sht(s) Drawings _____	
Issue Fee Transmittal (Form PTOL-85b)		Sequence Listing _____ pages	
Supp. Dec. _____ Issue/Adv. Order fees _____		Stmnt in Comp. _____ Disk _____	
IDS _____ Form PTO-1449/Ref. _____		Petition _____	
Assignment to: _____ Recordal Sheet _____			
<input checked="" type="checkbox"/> Transmittal Ltr. + <input checked="" type="checkbox"/> 1 2 copy(ies)		Request for Corrected Filing Receipt _____	
Check No. _____ for \$ _____		<input checked="" type="checkbox"/> Deposit Acct. 02-4550 Authority	

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